THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 21217 OF 2006

DATED: 05-07-2007

Between :

Mohammed Asif

... Petitioner

And

The Joint Secretary (CVP) & Chief Passport
Officer, CVP Division,
Ministry of External Affairs,
Tilak Marg,
New Delhi and another.

... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 21217 OF 2006

ORDER :

The petitioner herein was granted a passport bearing No.A-1087270, dated 03-07-1996, which was valid up to 02-07-2006. Since in the said passport the date of birth of the petitioner was wrongly mentioned as 20-06-1973 instead of 21-06-1976, the petitioner made an application requesting the second respondent to issue a fresh passport by entering the correct date of birth. It is alleged that the respondents declined to entertain the petitioner's application. Hence, this writ petition

I have heard the learned counsel for the petitioner and perused the material on record.

Despite service of notice on the respondent by register post on 23-10-2006 no appearance has been entered on behalf of the respondents and the writ petition has not been opposed.

It is to be noted that the Government of India, Ministry of External Affairs, issued circular dated 18.04.2001, which reads as under:

(a) Where an applicant is seeking rectification/Correction of a mistake in the entry of date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, affect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

(b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

(c) Where the initial entry has been made on the basis of a

> supportive document issued by one competent authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth."

Having considered the above circular, this Court in **Ali Imran v. Regional Passport Officer, Secunderabad** [1] held that as per the circular dated 18.04.2001, it is permissible to accept the applications for rectification/correction of the entries in the passport.

The learned counsel for the petitioner submits that the correction of date of birth of the petitioner in the passport is only a technical correction, and therefore, it falls under clause (a) of the circular. In support of his submission the learned counsel relied upon the decision in **Asra Begum v. Regional Passport Officer, Secunderabad** [2].

Having regard to the facts and circumstances of the case and following the decision of this Court in **Ali Imran's case** (1 supra), the writ petition is disposed of granting liberty to the petitioner to make a fresh application with relevant material to substantiate his plea, within a period of two weeks from the date of receipt of a copy of this order. If any such application is made, the respondents are directed to consider the same in accordance with the circular dated 18.04.2001 and pass appropriate orders in accordance with law and communicate the same to the petitioner within a period of four weeks thereafter.

The writ petition is accordingly, disposed of. No costs.

G. ROHINI, J.

Date 05-07-2007
KLP

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[1] 2003(3) ALD 625;

[2] 2004(6) ALD 360.